

A Walk in Alabama *Andrew Kopkind*

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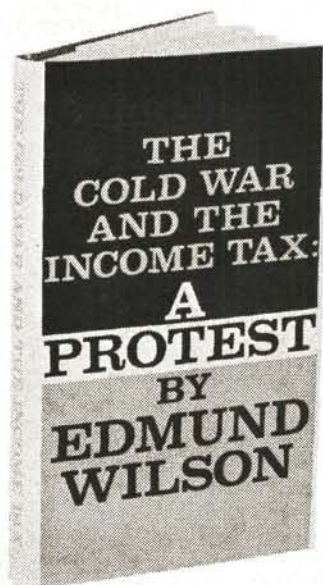
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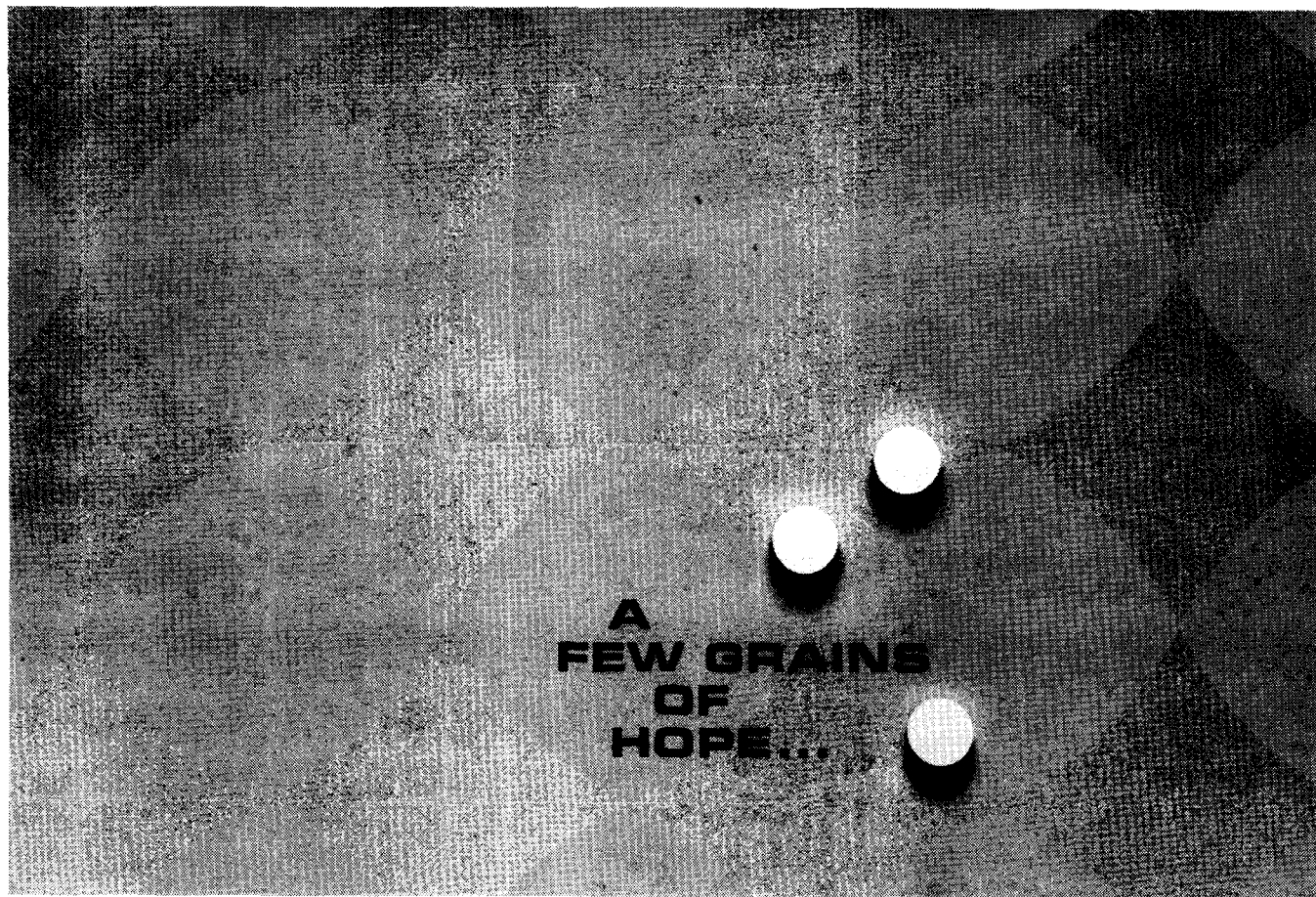
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T.R.B.

from
Washington

Supreme Court Changes?

★ There's a delicate five-to-four balance for institutional liberalism on the present aging Supreme Court. How long it will last when President Johnson begins to make replacements one can't tell.

Let's admit that "liberalism" is a fuzzy word to try to explain the complex issue. What we mean is that in a particular kind of case, a bare majority is at present willing to reach out and treat the Constitution broadly, so as to expand individual guarantees. They are the activists.

The Court majority decided it had the power to guarantee "one-man, one-vote" in state apportionment. It felt that officialdom shouldn't intrude on the individual's right to travel; to speak out; to remain silent before police questioning (without counsel); and to be free from racial discrimination. Sometimes other members agreed with the majority, sometimes not. The liberals are Warren, 74; Black, 79; Douglas, 67; Brennan, 59; Goldberg, 57.

Those who frequently follow the dissents of Associate Justice Harlan, 66, are Clark, 66, Stewart, 50 and White, 48. Justice Harlan has put his view of a restricted Court lucidly and legitimately, in a dissent on the apportionment decisions: "The Constitution is not a panacea for every blot upon the public welfare. . . ."

The ages of the Justices indicate that vacancies are likely. A President normally appoints a couple of judges every four-year term. Mr. Johnson is accumulating a massive body of legislative reform in Congress, comparable to the New Deal. Nearly every bit of it will ultimately come to the Court, just as

the New Deal did. Already, for example, Senator Ervin (D, N.C.) is declaring the civil rights bill "unconstitutional." The President needs, and at present seems to have, a sympathetic Court.

Franklin Roosevelt ran smack into one of the most elderly and conservative tribunals in history. In 1934 a majority were septuagenarians. The five senior members averaged 73, the Court as a whole 68.

Ultimately FDR got his New Deal validated, but only after threatening to "pack" the Court. And before it was over, eight of the nine Justices were his appointees. Two of them, splendid liberals, Black and Douglas, still serve.

This Congress in 1965 doesn't like the Court. Last year the Senate spitefully cut \$4,000 out of the Court's proposed pay increases in the general federal wage adjustment law. This year, leaders tried to get the House to expunge the slight, but the membership, March 17, simply slapped the Court again—177-203. Democrats voted 154-99 for the wage adjustment; Republicans voted against the Court 23-104. Most Democrats who voted "No" were from the South.

The pay matter is petty, of course, but it shows a vindictive undercurrent. Out in the country, the Birchites and Life Liners want to "impeach Earl Warren." In Washington, whatever opponents say, the stalwart Court majority goes its quiet way, and will continue to do so. Once Earl Warren became Chief Justice, the Court made the history in America that the Eisenhower Administration failed to make. And when Kennedy named Goldberg to the Court (replacing Frankfurter), a previous "conservative" five-to-four balance tipped to the present tenuous five-to-four "liberal" majority. Unfortunately, the weight of years is heaviest among the top veteran liberals.

We have never felt that previous judicial experience especially hurt a Supreme Court Judge, but at the same time the possession of it has never seemed to us very important. The Supreme Court stands at the point where law and statesmanship meet. To think of the tribunal as simply a kind of graduate club for lower court judges who have worked their way up by sedulous study of old rules and precedents

seems to us positively harmful.

As a matter of fact, only three of the present Court ever had previous judicial experience and of these, Justice Harlan had only one year.

Chief Justice Warren was an attorney general and governor of California, but never sat on a court before. The latest appointee, Justice Goldberg, was US Attorney General but, like the great Louis Brandeis, never had past judicial experience. Perhaps we should make one qualification: Justice Black was for one year a police court judge in Birmingham, Ala.

What kind of man will Mr. Johnson name to the Supreme Court, if and when the time comes? There is no key from his other appointments. He has made three Cabinet choices so far: Henry Fowler, at Treasury, is a conservative and friend of business, but helped put through the deficit tax cut; John Connor, at Commerce, is a drug manufacturer and conservative, as the job probably requires; but Attorney General Katzenbach is a liberal of the academic type, straight out of the Kennedy inner circle. Lower echelon appointments seem to have no special ideological pattern, either.

The Hard Line

★ What is striking, though, is that in the Vietnam crisis the President seems to be surrounded by "warhawks." The two brothers, McGeorge and William Bundy, are close to McNamara at the Pentagon, which is implacably escalating the war; General Maxwell Taylor and George Ball take the hard line; Secretary of State Rusk does not seem to carry much weight; former Secretary of State Dean Acheson is in the background, influential and unyielding. General Taylor is supposed to have said that there is no limit to what the Administration will do to win the war. Secretary McNamara told a Senate committee last week that the issue is not really Vietnam, it is "our struggle to halt Communist expansion in Asia."

We hope Hanoi will yield. We see no sign of it. If things go on as they are the ultimate question will be the commitment of combat troops, in large numbers in Asia. Will the nation accept that?

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A Door Best Kept Closed

Defense Secretary McNamara must have been out of his mind last week to defend the use of gas in Vietnam on the ground that the same gas has been used against Negroes in the US. For years the Chinese Communists have sought to ginger up the class war by turning it into a race war, and have depicted the US as a country whose ruling white elite looks down on Negroes and Asians alike as racial inferiors. A visibly discomfited Secretary of State Dean Rusk had to rush into the breach to attempt to undo the damage. Of course, what McNamara and other Defense Department spokesmen were trying to say was that the gas in question, probably a substance called CS, is not lethal and not even very harmful. This appears to be true. CS, if that's what was used, is an irritant that produces tears, coughing, tightness of the chest, and, in extreme concentrations, nausea and vomiting, but that is all. Because its incapacitating effects are so mild, it's said that President Johnson wasn't even consulted about its use in Vietnam, "any more than he would be about the use of small arms." By stunning coincidence, special Presidential adviser McGeorge Bundy last week was lecturing in Washington on the need, in the field of policy, to be constantly on the alert to the possible serious effects of an apparently trivial action in one area on other, apparently remote and unrelated areas. So it really would have been better to have consulted the President, or McGeorge Bundy, or even the State Department, about using gas in Vietnam. They might have warned against the probable side effects on Asians, on world opinion generally, and on the British Labour government which conceivably could have been toppled or driven on an anti-American course by the affair. As it is, American foreign policy has been gassed.

Mr. McNamara and his spokesmen cited Panama, Cyprus and Berlin, as well as Maryland and Rochester, as places where CS has been used in police actions to quell riots. This extremely feeble defense exposes their whole case. For nobody believes that the war in Vietnam is a police action, especially now that the US is raining bombs and napalm on North Vietnam. And, in the last "police action" in which it engaged, in Korea, the US went out of its way *not* to use gas in any form. The US front-line commanders begged to be allowed to do so, and in their requests they made specific mention of the tear and vomiting gases. Permission was refused, even though the commanders argued that use of gas might save American lives. The reasons permission was refused were that chemical and germ

warfare is the sole military area where there has been abstention by universal consent ever since the First World War ended 46 years ago; and that if this restraint were lifted, there is no type of warfare that would be easier and cheaper for every country large and small to wage, and no type of warfare, up to and including nuclear warfare, that could prove more horrible. It is technically simple to wipe out human life over large areas by poisoning populations or infecting them with killing viruses and microbes (some of them artificially manufactured in laboratories, to ensure that there can be no antidote).

But isn't it a far cry from using a non-lethal vomiting irritant in Vietnam, to those dreadful possibilities? Yes, thank God. Nevertheless, this is a door best kept tightly closed. What the Army people in Vietnam have unthinkingly done is to risk the door being opened. Behind the door, there is plenty going on, right now. Look first at the Russians. Seven years ago, Soviet scientists were publicly and apparently happily discussing how radioactive radiation facilitates infection of humans, and how "a biological war would have the greatest effect of all. . . ." The test ban treaty may have taken attention from radioactive radiation, but behind locked laboratory doors in Russia, the US and other countries, experiments continue. Some gases are supposed to induce unharmed soldiers to surrender; but the so-called nerve gases cause violent convulsions and death: a single tiny droplet on the unbroken skin is fatal. They are working on these in Edgewood, Maryland, according to Brigadier General J. H. Rothschild, former chief of the Army Chemical Corps Research and Development Command, who explains in a book published last year how not only incapacitating gases like CS but also the lethal nerve gases could be used against guerrilla forces like the Viet Cong. General Rothschild also explains in his book how a fever – the symptoms, including "drenching sweats," are described in detail – could be spread in Russia west of the Urals, and how "biological warfare could have an important role as a deterrent to prevent Communist China from initiating a war." General Rothschild suggests that "anthrax or yellow fever" would be appropriate, and a "more realistic deterrent to the leaders of China than the dangers of a nuclear attack alone." That is the sort of thing our scientific military men are up to, and what the scientific military men of Russia and most other nations are up to. General Rothschild stresses that chemical or biological warfare is cheap. In a pinch, this could be its chief attraction for some ambitious Middle East or Asian leader. What keeps the lid on so fearful a Pandora's box is a hesitation to be the first to unloose such plagues on mankind. The US ought to forego even harmless and humane chemical weapons, and napalm also.

A Harvester Corps?

There is a good deal of interest within the Labor Department in launching a new sort of poverty program that might enlist thousands of unemployed city youngsters in a "work-experience" scheme harvesting field crops during the summer. Such a harvester corps, so the argument goes, might shut off a little of the din that issues daily from the big farmers – most of them in California – who prophesy ruin unless they find more people to pick their crops.

Already there are recruitment programs for teenagers in a number of localities. But the idea now is to make use of the poverty program's machinery in recruiting large numbers of youngsters (as many as 100,000 has been suggested). They might be teen-agers who could not get into either the Job Corps or the Neighborhood Youth Corps. (The Jobs Corps has 180,000 applicants with only 40,000 openings this year.) After a short introductory session, they would go to work in the fields under supervision of special counselors. Of course, the Labor Department would have to see to it that they were properly housed and fed. After perhaps a month of work, they would return home, and could begin training in skills that would in the end equip them for a job which would likely be in industry not agriculture. The theory is that the hard work would do unruly youngsters good; put some money in their pockets, and get them off the city streets during the hot summer months when they are likely to cause trouble.

This is a ticklish notion for a number of reasons. For one thing, the farmers don't just want more workers; they want more workers at low wages. They want to get back the 200,000 Mexican *braceros*, who were dirt cheap and could be ordered about sunup to sundown without any complaints. Labor Secretary Willard Wirtz thus far has refused to authorize resumption of the *bracero* program, which ran out at the end of 1964. He has held that if the growers offer a living wage and treat workers with a modicum of civility, they will find Americans to do the work. There are, for instance, some 400,000 unemployed persons in the state of California alone. Moreover, two-thirds of about 400,000 American migrant laborers work less than half the year for an average annual wage of \$868 each.

The efforts by the US Employment Service to get workers for the California orchards apparently are shunned by the growers. Growers reject busloads of recruits as unfit for work before the bus even arrives at the farm. They claim most of the people who do turn up are drunks, petty thieves, weaklings or lazy bums who are of little use in the fields and only clog the community jails. Governor Brown has been swung around to their point of view, and he along with most

of the California congressional delegation is bawling at Mr. Wirtz to let in the Mexicans. Last week Mr. Wirtz was in California to see for himself the alleged devastation. Despite the clamor, all the crops have been harvested without any noticeable loss thus far.

There is no minimum wage in this country for farm workers. Nor are they covered by unemployment compensation that might ease the bind when crops are not being harvested. In general these people are the poorest of the poor in America – ill-fed, poorly housed, sick and treated as the scum of the earth.

The Secretary of Labor made it a rule that before any farmer can qualify to import foreign labor, he must offer Americans minimum wages ranging from \$1.15 to \$1.40 an hour. But there are indications California growers have discovered a way around this which may have a good deal to do with their failure at recruiting the sort of high-class labor they want. In Ventura County, Calif., where there are numerous lemon orchards, workers recently were hired at \$1.25 an hour. If, however, after the first week of work, the worker could not pick enough fruit in one hour to equal \$1.25 in piece rates, then he could be fired. In some cases, rather than lose their jobs, laborers signed waivers, taking them off the minimum wage and putting them on a piece-rate scale. Since many of them had not picked before, they worked slowly. Observers in Ventura County said workers made \$25 a week.

Truckloads of youngsters sent out under the auspices of the war on poverty to work under any such conditions would be tantamount to the government's setting up its own domestic *bracero* program.

A Walk in Alabama

Selma, Alabama

There are easier ways to get to Montgomery. The massed power of the army, the national guard, state troopers, and the Justice Department does not lessen the sun's glare or the force of thunderstorms. The pavement along the 50 miles of US 80 from Selma is just as hard on the feet, and the muddy campsites just as cold and disagreeable for all the complex battle plans of the marchers and their protectors. By Tuesday, when even the television cameramen began to lose interest, the march had been transformed from a carnival for 3,000 into a crusade for 300. That night, a Presbyterian clergyman – one of the few whites left in the column – leaned against the clay caked tailgate of a farm truck and picked at a cold pork chop. "This," he smiled, "is our finest hour."

Whatever the original point of the march – and it has been lost in the events of the last few weeks – the most immediate significance is for the marchers them-

selves. The young Dallas County Negroes who walk singing freedom songs confirm their commitment to the movement as their fathers and older brothers never did. The thousands of whites who have come to Selma from the North will never, of course, be the same.

When the Selma campaign started two months ago, Brown's Chapel AME Church was a black citadel; now it is the most thoroughly integrated place in the South. At the Saturday night meeting before the march, there were more white faces than black, and Andy Young, one of the best of Martin Luther King's organizers, told the outside agitators that they were being taught as much as they were teaching. "You can't live with us down here without understanding poverty. We could have put you up in fancy motels [they couldn't] but we wanted you to see how we live. We wanted you to live in Negroes' homes and see the poverty of our lives. Because before we get out of this movement, we'll have another one going up North." For the first time in the lives of most of the whites, a Negro ghetto was their home, and when they walked through it at night they were among friends. If they ventured into the white center of town or the residential areas, they were in enemy territory.

"This is not a spectacle; it's a pilgrimage," Andy Young said, but as the marchers flooded over the Pettus Bridge Sunday morning, the scene owed more to Cecil B. De Mille than to Saint James of Compostela. It was a kind of instant history, like "You Are There" on the radio, and everyone tried hard to feel it: Two Negro Nobel Peace Prize winners walking hand in hand down an Alabama highway, the majesty of the federal government protecting a ragged band of revolutionaries, the radical change the civil rights movement was effecting in the country.

But it was not until Monday noon, when the column was cut to 300 under the federal court rule, that the march took on more than ceremonial meaning. Just before lunch, the marchers crossed into Lowndes County, the heart of darkness in the Black Belt. Last week, the first Negro since Reconstruction was "processed" as a voter (he has not yet officially registered). Negroes outnumber whites more than three-to-one, but they live in unrelieved squalor and pervasive fear. A few miles into the county, the column passed a ramshackle frame building, which looked like a burned-out barn, but turned out to be the certainly separate but grotesquely unequal Rolan elementary school for Negroes. A small group of students gathered at the side of the road. And Dr. King, Reverend Ralph Abernathy, and Young talked with them. "Do you want freedom?" Young asked a Negro boy on a bicycle. "Yes, sir," he answered. "Well," said Young, "in a few years Uncle Sam's going to send you over to Vietnam or Korea to fight for the white man's freedom,

but you've got to start fighting for your own freedom right now." The boys were terrified, and excited. Later that night, one came to the campsite and asked what he could do. He talked with the leader of the students from Selma in a small trailer, found out how to start a protest movement, and then slipped home across a cornfield.

Tuesday it poured, but the songs were louder and the evening camp was, if anything, more full of high spirits. A few Northern whites wondered whether it was all a meaningless gesture; the long fight for the right to march was after all the real victory. At the moment the right was conceded, the march became unnecessary. And on Wednesday, when thousands more joined the 300 where the four-lane highway resumed, and the City of St. Jude Hospital was turned into a kind of civil rights Copacabana, it was again a stagey pageant. But next week, the young Lowndes County boy will ride out on his bicycle to talk to his friends about the movement, and the Negroes of Dallas County—despite the real danger of retaliation—will move into surrounding Black Belt counties, and there is no merchant on Broad Street in Selma who does not know that there will be other walks on other days.

ANDREW KOPKIND

Who Is Jimmie Lee Jackson?

Ask almost anyone if the country has been aroused by the events in Selma, and he will think the answer obvious. Ask a civil rights worker who has just spent six months in Mississippi, and he will not be so convinced. After the three Mississippi civil rights workers were reported missing on June 21, the burnt-out station wagon found in a marsh spurred the sense of national outrage and shame which led to the dispatch of Allen Dulles to Jackson and 400 sailors to the swamps. You could tell that the country was proud of its moment of moral fervor. But in Mississippi you got a different view. Rifle shots continued to interrupt voter registration classes. A veteran civil rights worker, a Negro, was shot through the cheek in Greenwood; Mr. Dulles did not come to see him at the Jackson hospital.

If you were in Vicksburg as I was, you knew about Fabe W. Wilson, pulled out of the Mississippi River, and Jasper Greenwood, found dead in a vacant lot off Main Street. In nearby Tallulah, Louisiana, two half bodies, stumbled on in a river bed during the search for the Neshoba County workers, belonged to two Negro youths from Meadville, Mississippi, who had disappeared in early May; one had been expelled from Alcorn College for demonstrating. No one will ever know how many more black bodies, half bodies, and

parts of bodies there are rotting in Southern river beds and swamps. If the country and the Navy wanted to find black bodies, they would have searched every bayou and every river bed and every swamp in the South long ago.

Mississippi Negroes and Mississippi civil rights workers knew that there was nothing novel about Negroes disappearing into the Mississippi night. Civil rights workers said the Neshoba affair proved the value of their strategy: get white people involved, because the country will go looking for white people if they're missing.

The country is concerned about Selma in exactly the same way it was concerned about the missing civil rights workers. The real moral fervor did not come until Rev. James Reeb died. There was, to be sure, interest in events in Selma from the time Dr. King went there in January. But Negroes have been beaten and killed by law officers before. It has been happening in Selma for a hundred years. Long before Dr. King came to Selma in January, civil rights workers had been beaten there.

Now that the funeral and the orations are over Congress will undoubtedly pass another civil rights bill. And then the country will relax. It will say—it was a good thing that we got aroused and got a bill through Congress.

This country is not really concerned about the murder of black men. It was not aroused in 1955 when Rev. George Lee was killed in Belzoni, Mississippi, during a voter registration drive. No Presidential phone call was made in 1961 to the wife of the farmer Herbert Lee when he was shot dead in Liberty, Mississippi, during a voter registration drive, or in 1964 to the family of Lewis Allen, murdered in his front yard in Liberty, Mississippi, after deciding to testify as a witness to the killing of Herbert Lee.

Today Mr. Reeb's name is imprinted on every man's mind because he did what we have not done. We know his name not because we are concerned about the Negro and our treatment of him, but because we are concerned about how we *feel* about the Negro and our treatment of him. We are not concerned about the Negro, we are concerned about ourselves. If we would admit that it is not the Negro's plight which bothers us but our guilt, *our* plight, we would take an essential first step toward integrating. Real integration will require much more self-examination than we are now willing to submit to.

There is a sense of national outrage and shame over Reeb's death, but how many people know the name of the young Negro laborer who died two weeks earlier? At age 26, this "quiet boy" from Marion, Alabama, had tried in vain to register to vote since he was 21; he cut pulpwood and farmed two acres of corn and

peanuts and was a deacon in his church. He and his mother lived in a house with no running water. His mother was clubbed by a state trooper on the night of February 18 during a demonstration; she was later hospitalized for head injuries. Witnessing the attack, her son rushed the trooper, who shot him in the stomach and then clubbed him. This young Negro was

killed not by crazed ruffians, as Mr. Reeb was, but by a law officer of one of the 50 states of our aroused country. And we can't recall his name. DAVID RILEY

MR. RILEY, *managing editor of the biweekly Citizens' Appeal in Vicksburg, Mississippi, is a civil rights worker and law student.*

The Fall of a Television Czar

by Murray Kempton

"I'm going home. I can't stand the sight of all that money going out the window." Other than this observation on the Republican convention that nominated Barry Goldwater for President of the United States, the annals record no other comment on national affairs from James T. Aubrey during his five years as president of CBS-TV. He could endure the Goldwater people for just two days; but his integrity was such that he could not have stood a convention which nominated Lincoln any longer than that.

All politics to James Aubrey was a form of trespass on the evening television schedule which it was his job to sell at the prime advertising rate.

"This damned thing is gonna cost us \$10 million," he burst out when his gorge was highest. "Who wants to listen to the news? This is the time we could be selling. If I had my way, we'd have some guy come on at 11 pm and say, 'The following six men made horses' necks of themselves at the Republican convention today' and he'd give the names and that would be it."

He was special, then, in television because he had a sense of reality. Normal men in terrible times are narrow. He alone in a conventionally liberal medium, defined the Goldwater movement as a barbarian incursion in the language which merchants must have used about the Goths, not as a peril to civilization but as so much damage to the store.

The comparison is otherwise impersonal; but James Aubrey was the fourth president of CBS-TV, as Caligula was the fourth of the 12 Caesars. Each carried the logic of his imperial authority as far as it could go. Each was deposed and disappeared suddenly, leaving a bad press behind him. And neither could be trusted to be safely departed.

The citizens of Rome were silent after the announcement of Caligula's death, Suetonius tells us. "Everyone was extremely reluctant to believe that he had really

been assassinated and suspected that the story was invented by him to see what people really thought of him." And almost no one in television wants to talk about James Aubrey either. The reason, in both cases, may be something more permanent and consequential than fear. When a ruler has carried the powers of his office to their ultimate limit, the citizen may have begun to hate but he will never cease to respect him.

"Bear in mind," Caligula told Antonia, "that I can treat anyone exactly as I please." James Aubrey could have said the same thing. Everyone around him seems to have said it for him. Once Merle Miller was trying to write a script for a television series based on an idea of Aubrey's. In the midst of his torments with other critics, his supervisor said, "Merle, this has nothing to do with a good script or a bad script. It has to do with pleasing one man, Jim Aubrey. Don't ever forget it."

Aubrey was the only Caesar a democratic society can accommodate — the one-man Gallup poll. He hated the mind he reflected; he habitually described his audience as "the soft underbelly of America." But he respected its rules, and at bottom he approved of them.

"I don't want any more seamy, sociological scripts," he said once. "God damn it, I want happy endings. I can't communicate with the creative people. They just won't listen. The trouble with creative people is that they don't know the public. The people out there don't want to think. I come from there."

His happiest essay at sociology was "The Beverly Hillbillies," a confrontation of the characters of John Steinbeck with the environment of Spyros Skouras, and for two years television's most popular program. His other two major triumphs were called "Petticoat Junction" and "The Real McCoys."

On weekends, he would see as many as six movies; he would read three books on one flight to the coast.

"He always had books," one surviving admirer says.

"He was a Princeton graduate and an 'A' golfer."

"He read everything," a more detached associate remembers. "Like he saw every movie. But he had the smallest world there could be. He'd watch a movie and, while everyone else was involved in the story, he'd say out loud, 'That kid could be the lead in a television program.' He read everything, sure. All the new fiction. What he didn't like was Bellow, Updike, Cheever, Salinger, Capote and Mailer. He didn't know how to use them. What he did like was Irving Wallace."

He had one favorite story about himself as absolute power.

One Saturday in midterm, he invited CBS-TV's vice president in charge of programming to meet him in the office that morning.

The vice president assumed that they were there to discuss the program schedule and he began dutifully to recite the status and condition of each project.

He had gone on for 40 minutes when Aubrey said softly, "You're through, Hub."

The vice president answered that he was indeed almost through with his presentation but had a few things to add.

"No, Hub," Aubrey said. "I mean you're through. I called you in today so you can get your things out of your desk and won't have to do it Monday in front of all the secretaries."

Aubrey told that story so often and with such pride that a friend, lucky enough to be outside his awful shadow, at last told him he should stop.

"It makes you sound sick, Jim," he said.

"I'm not sick," Aubrey answered. "I'm organized."

The special Roman character of his court made him so many enemies that his few friends used to warn him that he would someday end as so many of the other Caesars did.

"They're not going to do anything to me," he answered. "I made them \$40 million last year."

A year ago, he had elevated CBS-TV to the summit from which it controlled 12 of the 15 most popular nighttime programs and all ten of the most popular daytime ones. His consuming passion by then was to control them all. In the end he was betrayed by a confidence in the universality of his bad taste which was reaching toward megalomania.

Someone suggested that CBS-TV might produce a drama program and begin it with *The Glass Menagerie*.

"You think I'm crazy?" he answered. "Who wants to look at that? It's too downbeat. The girl's got a limp."

It is said that, in his last season, his faith in himself had reached the point where he bought programs without bothering to look at their pilot films. And, even when he looked, he made up his mind before they were half over. Eleven of his 15 selections this season

turned out failures; and CBS-TV fell suddenly to the audience level of the competitive networks he thought he had left so far behind him. No one in power believed in Jim Aubrey's inner voices after that; he was suddenly fired on the last Sunday afternoon in February. Ordinarily, the deposition of television executives is a ceremony marked by the majestic exchange of notes and compliments rather like the style between heads of state; but James Aubrey's triumph over sentiment had become the pattern of his society. He could only go as the Caesars did, with the quick blow in his own palace.

The closest sound like the voice of sentiment was that of Miss Lucille Ball.

"He was," she said, "the smartest one up there."

And he had his defenders less secure.

"A very big man," said Irving Mansfield, producer of *'On Broadway Tonight.'*

"He was the total executive. He was the most important piece of manpower in the business. Do you think they would have picked him if he hadn't been — men like Mr. Paley and Dr. Stanton — a tremendous and dedicated public servant? He was the king of Madison Avenue.

"You know, in this business, a man presents an idea and the answer is I'll see how *they* like it. But with Aubrey, everybody knew where they stood. Someone said that he saw *'The Munsters'* for only eight minutes and said 'I'll buy it.' And no matter what they say about this year, he was brilliant. Look at *'Gomer Pyle.'* You can't understand a word the son of a bitch says, and it's a big hit. You got to be great to understand that."

There were, of course, other judgments.

"It is a terrible story," a former friend said. "It's what is wrong with America, the obsession with the marketplace. All that mattered to Jim was that he was playing in the Yankee Stadium of finance. I don't believe he ever thought or would have cared that he was responsible for what 42 million Americans heard and thought about the world."

But there might be things more wrong with America. We are a nation of ugly obsessions and horrible drives; it is a mystery to our enemies and our allies that we have never fallen to a dictator. The answer may be that our Caesars are distracted by the marketplace. A man who debases our culture or adulterates our bread might, given his personality and a proper sense of the importance of public events, grow large enough and possessed enough to destroy our politics.

The day James Aubrey fell, it was announced that *"The Beverly Hillbillies"* is now the most popular television program in Australia. His works would plainly live after him. Bad taste may be the only universal aesthetic.

WAR WITH CHINA?

by Hans J. Morgenthau

It illuminates the many misunderstandings that beset our Vietnam policy that in order to criticize that policy in public one has first to justify one's right to do so. The President himself has declared such criticism to be unhelpful and even damaging. A former President has supported him, and many eminent men interviewed on television and elsewhere have at least implied that to support these policies was the only decent thing to do under the circumstances. This position is incompatible both with the principles of democracy and the requirements of sound policy formation.

The Constitution assigns to Congress the right to declare war. How can Congress discharge this function if its members and the citizens who have elected them are precluded from discussing the merits of the issues which might lead to war? The Constitution implies that Congress has a choice in the matter of war. How can it make that choice if neither it nor the people it represents have the right to debate the issues? To say that the most momentous issues a nation must face cannot be openly and critically discussed is really tantamount to saying that democratic debate and decision do not apply to the questions of life and death and that, as far as they are concerned, the people have given *carte blanche* to one man.

Not only is this position at odds with the principles of democracy, but it also removes a very important corrective for governmental misjudgment. Would Great Britain have been better off if in the months preceding and following the outbreak of the Second World War Churchill had kept quiet and rallied behind Chamberlain, however disastrous he thought his policies to be? The Chamberlain government was driven out of office in the midst of war; was it the duty of the opposition to keep quiet and rally behind it? Should the German Reichstag have kept silent in 1917 instead of passing a resolution asking for a peace without annexations? The German government of the day indeed thought so, but history showed that the parliamentary opposition had better judgment than the government. In the years preceding Pearl Harbor, this country engaged in a great debate about the best foreign policy to follow. Did the country not benefit from

this clarification of the issues and was its later unity not in good measure founded upon it?

Two main arguments are advanced in favor of the proposition that the people should rally behind the President and not criticize his Vietnamese policies. One is that only the President has all the facts and therefore only he has the right to judge. The truth is that nobody has all the facts and nobody needs them all. What both the President and his critics need and have are the relevant facts, and what they need more than anything else is sound judgment. No one man can have a monopoly of that judgment. More particularly, the President cannot have it under present conditions.

It must be obvious to anyone who is acquainted with the President's principal advisers that the most powerful advice he gets seeks the extension of the war, and that it is hardly anything more than his innate good sense that has thus far prevented these advisers from carrying the day completely. The President ought to welcome, rather than regret, those voices from Congress and the public at large which give arguments and support to his sound instinct. The President would no doubt have personally an easier time of it, but only in the short run, if his Vietnamese policies were not exposed to criticism. Yet what the President must seek is not the convenience of one day but the approbation of history for all time to come. President Johnson is as conscious of his historic mission and of his place in history as any of his predecessors. Why, then, does he in this instance not practice what he knows to be right?

The answer to this question is to be found in the other argument in favor of silently rallying behind the President. It is the conception of consensus. Certainly the political health of the nation and the effectiveness of government are greatly enhanced when the policies of the government are supported by the great mass of the people. But consensus is a means to an end, not an end in itself. Here is one of the differences between a totalitarian and a democratic society. In the former, dissent is a moral vice and a political crime by definition and, conversely, consensus is the ultimate good. In a democracy, the ultimate standard is the soundness of policy for the support of which popular consensus is sought.

The democratic statesman is faced with an inevitable dilemma if he cannot get popular support for the sound

HANS J. MORGENTHAU is Director of the Center for the Study of American Foreign and Military Policy at the University of Chicago.

policies he would like to pursue. He will choose the easy disastrous way out if he sacrifices sound policies on the altar of a fleeting popularity. If he chooses to pursue the policies he deems to be right against the opposition of the popular consensus, he must seek to change the consensus in favor of his policies in order to be able to pursue them. Doing this, he risks domestic political failure, but if he succeeds domestically, he will gain the immortality of a great statesman.

George Washington knew how to resolve this dilemma of democratic statesmanship. He proclaimed the neutrality of the United States in the War of the First Coalition against revolutionary France in 1793, while the popular consensus fervently wanted him to join France in that war. For weeks, crowds roamed the streets of Philadelphia clamoring for Washington's head, and John Marshall reports in his biography of Washington that if a motion for Washington's impeachment had not been tabled in Congress, it would have passed with an overwhelming majority. Yet if Washington had made consensus the ultimate yardstick of his policy, he would have gone down in history as the wrecker, not the father, of his country.

Two Different Answers

A critical assessment of our involvement in Vietnam must start with the question, Why are we involved in Vietnam? Spokesmen for our government have given two different answers. One answer is implicit in the Secretary of State's often repeated statement that our military mission in Vietnam will end when North Vietnam leaves its neighbor alone. In other words, we are in Vietnam in order to protect the independence of a sovereign state. Once that sovereignty is assured we can go home. It follows from this position that we would not presume to control the way in which that sovereignty might be exercised. If, for instance, the Viet Cong should take over the government in Saigon without support from the North or if a South Vietnamese government should come to an understanding with the North through which the country would be united under Ho Chi Minh, we would not intervene.

The other answer to our question has been most clearly formulated by the Secretary of Defense when he said on February 18 that "the choice is not simply whether to continue our efforts to keep South Vietnam free and independent but, rather, whether to continue our struggle to halt Communist expansion in Asia." It is the same answer Senator Dodd has given at length in his Senate speech of February 23. This answer is tantamount to saying that we shall oppose Communism in South Vietnam or wherever else we find it in Asia, by military means if necessary. In other

words, we shall contain Communism in Asia, as we have contained it in Europe. Other official spokesmen, such as Undersecretary of State Ball in his speech of March 16, have expressed the same thought less concisely by defining our mission in Asia as the defense of "freedom," that is, of non-Communist governments, against Communism.

It is obvious that these two positions are irreconcilable. For if one takes the Secretary of State at his word, then we are engaged in a limited undertaking which could be liquidated through a negotiated settlement without too much difficulty. If Hanoi made a gesture toward non-interference in the affairs of South Vietnam, we could find a formula which would allow us to disengage ourselves from South Vietnam. If, on the other hand, one takes the Secretary of Defense at his word, then we are engaged in a global crusade against Communism which we must fight wherever we find it. Consequently, there is no possibility for a negotiated settlement, and we shall stay in South Vietnam as long as Communism threatens to expand in Asia, that is, indefinitely.

There can be no doubt, on the basis of external and internal evidence, that the position of the Secretary of Defense is at present in the ascendancy in our government. It is with that position, therefore, that I am here concerned. I am emphatically opposed to it on two grounds: because of the intellectual errors from which it derives, and because of its likely consequences.

The intellectual errors of that position are two: misunderstanding of the nature of contemporary Communism; misunderstanding of the policy of containment.

We are in Asia in order to contain Communism. But what do we mean by Communism? To answer that question we must take a critical look at the two equations that provide the implicit foundation for our Asian policies. On the one hand, we have equated Communism with the power of China; on the other hand, we have equated Communism anywhere in Asia with Chinese Communism. Yet what has been true of the Soviet Union in Europe has proved to be true also of China in Asia: that the basic direction of her policies is determined primarily by her traditional national interests, and that Communism only adds a new dynamic dimension to the means by which those policies are to be achieved. In other words, the fundamental fact in Asia is not that China has a Communist government but that she has resumed her traditional role as the predominant power in Asia. That that power has been restored under Communist auspices is the only relevant fact for our anti-Communist crusaders. Yet it is but of secondary importance to the nations of Asia which, from Japan to Pakistan, behold with awe and admiration the new Chinese power and try to come to terms with it.

The identification of Asian with Chinese Communism is similarly the result of the crusading opposition to Communism as a political philosophy and a way of life. Such identification is justified in philosophy and ethics, but it has no place in foreign policy. For it is an obvious fact of experience that in the conduct of our foreign policy we are faced not with one monolithic Communism, but with a number of different Communisms whose character is determined by the character and the interests of the particular nation embracing it. Thus we find in Asia, as elsewhere, different kinds of Communism whose relations to China and the Soviet Union range all the way from complete independence to complete subservience. To treat all these Communisms alike on the assumption that they are all equally subservient to either China or the Soviet Union or to both is the height of doctrinaire folly. In its intellectual debility, it is no different from the doctrinaire excesses of a vulgar Marxism which sees the capitalistic world as a monolithic monster bent upon the destruction of Communism.

Not only is such an attitude of indiscriminate hostility intellectually untenable, but it also precludes any possibility at diplomatic maneuver, subtle bargaining, and tolerable accommodation. In other words, it renders impossible the conduct of a foreign policy worthy of the name. One only needs to consider in the light of such opportunities for creative diplomacy the present relations among the United States, the Soviet Union, China, North and South Vietnam in order to see how self-defeating this doctrinaire crusading attitude toward Communism is. Instead of bombing North Vietnam because we don't know what else to do, we would at least have a chance at bending the situation in Southeast Asia to our rationally defined interests if the President were advised by a Richelieu, a Talleyrand, a Bismarck or — why go abroad? — a Hamilton!

Foreign Policy Curse

Alas, the President of the United States has no such advisers. Instead, he is advised "to continue our struggle to halt Communist expansion in Asia," regardless of its character, its aims, its relevance to the interests of the United States. For such simple-minded conception of the enemy, the complexities and subtleties of diplomatic maneuver hold no promise. It needs an instrument as simple, indiscriminate, and crude as itself, and it has found such an instrument in the policy of the peripheral military containment of China. Here we are in the presence of the other intellectual error that dominates our Asian policy.

It seems to have been the curse of our foreign policy since the end of the Second World War that it has become the victim of its own successes. The Marshall

Plan was eminently successful in Europe, and so we have fashioned a global policy of foreign aid on the assumptions of the Marshall Plan. The policy of containment was eminently successful in Europe, and so we have extended it to the rest of the globe.

Yet the factors which made the policy of containment a success in Europe are present nowhere else and least of all in Asia. First, a line could be drawn across the European continent which clearly delimits the Western borders of the Soviet Empire. Second, two armies face each other across that line of demarcation, which is guaranteed symbolically by the presence of American troops and actually by the nuclear power of the United States to which the Soviet Union is vulnerable. Third, to the west of that boundary there lies an ancient civilization which was but temporarily in disarray and proved itself capable of containing Communist subversion. These factors add up to a threat which is primarily military in nature and to be countered primarily by military means. None of these factors is present in Asia.

The threat here is not primarily military but political in nature. Weak governments and societies are exposed to Communist subversion, which may or may not be an extension of Chinese power, as Chinese power may or may not be carried abroad by Communism. Military containment has no bearing upon such a threat. Thus SEATO has been irrelevant to the expansion of Chinese influence into Indonesia and Pakistan. More particularly, China can, in the present state of her development, be hurt but not destroyed by nuclear weapons.

But even if the threat emanating from China were primarily military in nature, it could not be contained through the defense of accidentally selected local outposts at the periphery of China. For since the ascendancy of China in Asia is due primarily to its cultural and political predominance, it is futile to think that one can contain that predominance by militarily defending South Vietnam or Thailand. That Chinese predominance is as much a fact of life as is American predominance in the Western Hemisphere, and our attempts to contain Chinese predominance in Asia through local military operations is about as sensible as would be China's trying to contain the American predominance in the Western Hemisphere by committing her military forces in defense of one or the other of the Latin American countries.

Whoever wants to contain American predominance in the Western Hemisphere must strike at the very sources of American power; he must destroy that power itself. The same conclusion applies to the containment of China. Thus the policy of the peripheral military containment of China leads with logical necessity to war with China. Such a war cannot be fought

with even a remote chance for success from the air and the sea; it must be fought and won where the sources of Chinese power lie, that is, on land. It must be fought as Japan tried to fight it, from 1932 to 1945, without ever coming close to winning it.

It is beside the point that all our leaders, past and present, even those who have deemed a war with China inevitable, have recoiled from the idea of sending millions of American soldiers to the mainland of Asia to fight. President Eisenhower said on February 10, 1954, that he "could conceive of no greater tragedy than for the United States to become involved in an all-out war in Indochina," and General MacArthur, in the congressional hearings concerning his dismissal and in personal conversation with President Kennedy, emphatically warned against sending American soldiers to the Asian mainland to fight China. We are here concerned not with the intentions of statesmen but with the inevitable consequences of their policies. None of the statesmen who made the fateful decisions in July and August, 1914, could have looked back in November, 1918, on the European scene and said, "I planned it that way." Yet what happened in Europe during the First World War was the inevitable result of what statesmen decided at its beginning, without wanting or even imagining the consequences. As Mephistopheles said to Faust: "At the first step you are free, at the second you are a slave."

In Vietnam today, we are in the process of taking that fateful first step. At the moment of this writing, at least, our policy is still ambiguous. On the one hand, it seeks to create a position of strength from which to negotiate. There is an ominous similarity between this attempt to fashion somehow out of the wreckage of a lost war a favorable negotiating position, and the French policies leading to the surrender at Dienbienphu. General Navarre's last offensive also sought to establish favorable conditions for a negotiated French withdrawal, and the concentration of the French forces in strong points like Dienbienphu was to serve the protection of those armed forces from uncontrollable guerrilla actions. Is Danang destined to become the American Dienbienphu? And if it is, shall we follow the French example and withdraw, or shall we go forward until we encounter China? It is here that the ambiguity of our present policy comes into play.

The extension of the war into North Vietnam can be interpreted as an attempt to create in Hanoi the psychological precondition for a negotiated settlement. But it can also be interpreted as an attempt to change the fortunes of war in South Vietnam by rupturing the assumed causal nexus between the policies of Hanoi and the victories of the Viet Cong. This causal nexus is a delusion, which has been given the very flimsy appearance of fact through the White Paper of February

28. A policy derived from such a delusion is bound to fail. Yet when it has failed and when failure approaches catastrophe, it would be consistent in terms of that delusory logic to extend the war still farther. Today, we are holding Hanoi responsible for the Viet Cong; tomorrow we might hold Peking responsible for Hanoi. "At the first step you are free, at the second you are a slave."

To call attention to these implications of our present policies has nothing to do with pacifism, isolationism, appeasement, and softness on Communism. The difference between calling attention to these implications now, when we have still the freedom of choice, and of stumbling unawares deeper and deeper into a morass from which there is no retreat, is the difference between prudence and recklessness; between a rational, discriminating understanding of the hierarchy of national interests and the power available for their support, and a doctrinaire emotionalism which drowns all vital distinctions in the fervor of the anti-Communist crusade.

France owes more to Mendès-France who liquidated the Indochinese War, and to de Gaulle who stopped the fighting in Algeria, than to those who wanted to continue fighting without regard for the limits of their country's interests and power. Those few who warned Athens against the Sicilian expedition, which was to become the grave of Athens' greatness, were better patriots than its promoters. To point to the likely consequences of present policy is, then, not only a right, which ought not to require apologetic assertion, but it is also a duty, burdensome yet inescapable.

Acrobats in Space

This country's Project Gemini, and Lt. Col. Alexei Leonov's dramatic somersaults outside Voskhod 2, mean that manned space flight is here to stay and will continue to siphon billions of rubles and dollars from more significant experiments — and from earthly needs. But will it produce much important knowledge? Many scientists helplessly view the growing Russian and US involvement in manned flight as a phenomenon detrimental to development of true scientific exploration of the universe. But US scientists are having less and less say about the course of the space program. Man no doubt will find useful employment as an assembler of space stations and spaceships in orbit above earth; at least that's the direction of the Russian space program. But as a scientific explorer in space he ranks far below instruments. One exception could be firsthand exploration of the moon and Mars.

Dr. Harold C. Urey, the 72-year-old Nobel prize-

winning chemist who often displays boyish enthusiasm when talking about going to the moon, nevertheless describes it as "a rather dull cinder." Urey wants spacemen to check out a theory of his that billions of years ago primitive life forms may have been splashed onto the moon from the earth's oceans. He admits that he wants to see this checked in his lifetime and he justifies manned space flight as "a great adventure for everyone." But even Urey (who two years ago felt that "NASA should try something more permanent than adventure") sees little for man to do on the moon beyond digging for fossils. He doesn't think NASA's intention to explore it extensively is worthwhile.

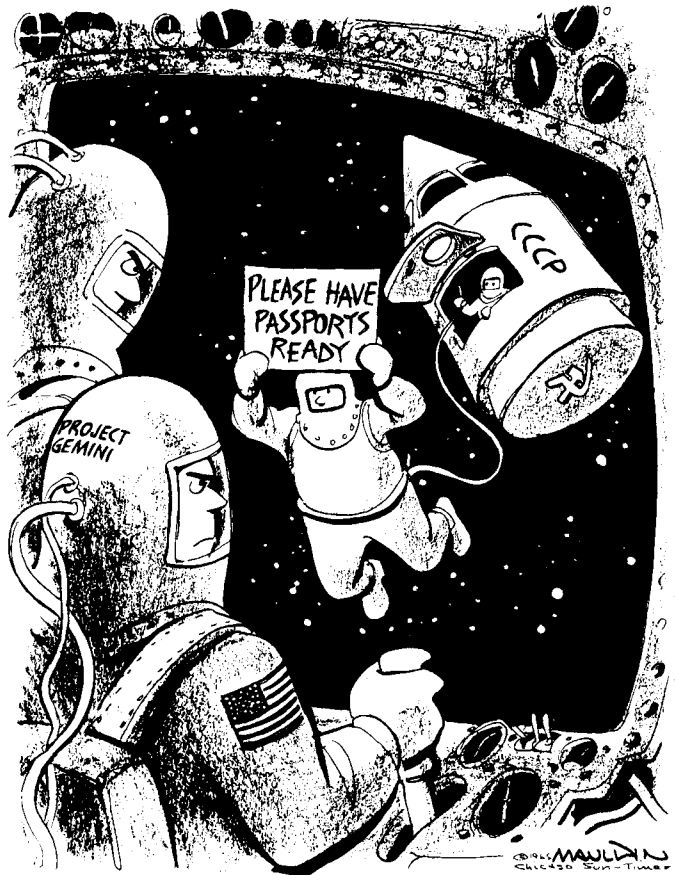
There remains Mars as a possible candidate for manned exploration. Its "canals" and seasonal changes of color still puzzle scientists. They thought until a few weeks ago that they had fairly strong evidence of plant life there; back in 1958 Dr. William Sinton, a young Lowell Observatory astronomer, recorded what he thought were radiation absorption lines indicating the presence of plant components on Mars. But now it seems to have been an unfortunate mistake: the radiation bands have been traced to water vapor in the earth's atmosphere.

It now remains for the US Mariner 4 and Russia's Zond 2, both speeding toward Mars, to give some inkling of the nature of its surface. Mariner 4 is intended to send back 21 photographs of Mars, some showing objects only two miles across. What the Russians plan to achieve with Zond 2 is unknown. Mstislav Keldysh, President of the USSR Academy of Sciences, told Sir Bernard Lovell, the British radioastronomer, that Zond 2 will approach within 930 miles of Mars (Mariner won't get closer than 5,400 miles), indicating perhaps that an attempt will be made to land an instrumented capsule on the planet.

If Mars is another "dull cinder," what is there left for man to do in space – aside from the no longer science-fictional possibilities of free-floating Russian cosmonauts taping up the lenses of orbiting Samos spy satellites?

Instruments can do the scientific job better without man. Dr. George E. Mueller, head of NASA's Office of Manned Space Flight, concedes that "instruments are available with greater ability to see, hear, touch, measure temperatures, smell, and perhaps even taste if that be required." Man might make experiments impossible by his very presence. Thus, space telescopes will vault the veil of the earth's distorting atmosphere, perhaps to resolve finally many riddles of the universe. But astronomers will direct them from earth. A man aboard would set the finely balanced observation platform wobbling even with his heartbeat.

With all their seeming concentration on manned space flight, the Russians are not neglecting science,



particularly planetary exploration with robot craft. The Russians have launched, or tried to launch, at least 14 probes to the planets in the past few years, compared with NASA's four.

Even in the non-scientific "prestige" race to the moon, into which NASA is pouring most of its money, the US is in danger of being left behind on the launching pad. The reason lies in a basic difference in approaches. Colonel Leonov's leap into the black void of space leaves little doubt that the Russians have chosen a far more pragmatic, less hazardous, and probably less costly route to the moon and that they are a year or two ahead of the US. Leonov's venture outside Voskhod 2 is a forerunner of science fiction-like scenes of teams of cosmonauts hammering together a moonship in space, using smaller component rockets. From earth orbit, direct flight to the moon – and direct return to earth – will be possible.

The US chose instead in its Project Apollo the more complex and more dangerous route of lunar rendezvous. A huge Saturn V rocket will hurl three astronauts into orbit around the moon. From there, two spacemen will descend to the lunar surface in a small craft. To return home, they will have to blast off and perform a linkup with the mother ship overhead.

GENE BYLINSKY

The Voting Rights Bill Is Tough

by Alexander M. Bickel

The Administration's Voting Rights Bill is a tough measure, make no mistake, the toughest since Reconstruction. It is quite a different article than the Civil Rights Act of 1964. That statute proclaimed broad norms concerning complex and ramified social problems and affecting the daily activities of millions of people, and it necessarily demanded no more than that the country live up to those norms by and large, over time. No more could very well be expected. This voting statute deals with a narrow problem that has been solved in many places and reduced to manageable proportions elsewhere by intensive investigation and litigation over the past six or seven years. Its objective is no longer openly controversial in respectable quarters, as the objectives of the Civil Rights Act of 1964 still are. Not even Governor Wallace openly opposes the principle that qualified Negroes should vote, and that Negroes should be qualified by the same standards as whites, although he and others argue on principle against desegregated schools and public facilities, for example.

The President's bill, therefore, could afford to be all muscle, and it is. Furthermore, it is not only the toughest bill since Reconstruction, it is a Reconstruction measure, for it applies exclusively – with one or two incidental exceptions – to the hard-core Southern states and Black Belt counties, where prospective voters are required to pass various tests, and where as of November, 1964, fewer than 50 percent of voting age citizens were registered or voted – a figure well below the average in the rest of the country. The area affected, according to the Administration (in addition, quite incidentally, to Alaska and, it seems, some three counties in such places as Maine, Idaho and Arizona), consists of Louisiana, Mississippi, Alabama, Georgia, South Carolina, Virginia and thirty-odd counties in North Carolina. But there is no reason to suppose that the enforcement provisions of the bill will be applied throughout the states affected, say in Atlanta, or in Alexandria, Va., or indeed, in Alaska. The Attorney General is authorized to invoke the bill county by county rather than statewide only, and he will enforce it where needed.

Unquestionably, this is a strictly regional measure, but then voting is the one aspect of all the many aspects of the racial problem in the United States which is strictly regional. The right to vote may be impaired in one or another undesirable manner elsewhere as

well, but where else is it systematically denied on account of race? The Fifteenth Amendment forbids any state to deny the right to vote to anyone "on account of race, color, or previous condition of servitude," and that is all it does. The President's bill is entitled "A Bill To Enforce the Fifteenth Amendment to the Constitution of the United States," and that is all it does, and that is why it is a regional measure. The South ought not to be singled out in respect of racial problems that it shares with other parts of the country. But voting is not one of these.

In the area affected, the right to vote may not be denied for failure to pass a reading or writing test, or one of the many kinds of tests requiring an applicant to show that he can correctly interpret, say, a provision of the state constitution, or that he knows and understands the federal and state constitutions and like documents. Nor may an applicant be disqualified for failure to prove "good moral character," or because he has not been vouched for by other registered voters. These provisions throw into doubt – they render voidable – all state-imposed voting qualifications except age, citizenship, residence, and perhaps soundness of mind and lack of a criminal record. And this has led to some questioning of the bill on both constitutional and prudential grounds. For – except as they may be applied to discriminate on the basis of race, and except as, for purposes of federal elections, Congress may regulate the manner of their application – voting qualifications are under the Constitution to be set by the states, not by the federal government. And a minimal literacy qualification is not generally thought unreasonable.

But it overstates the necessary or even probable effect of the bill to say that it outlaws the requirement of literacy in the region in which it applies. To begin with, once the Attorney General and the Census Bureau have examined the relevant statistics, and have certified that the statute covers a given state or county, it is open to that state or county to come before a federal court and prove that it has not in the past ten years discriminated against prospective voters on account of race. If the court so finds, and if during this ten-year period there has been no other judicial finding (under the Civil Rights Acts of 1957, 1960, and 1964) of voting discrimination in that state or county, the state or county becomes as free of the provisions of this Act as New York or Cleveland. And so it is not only statistics that lead to invocation of this statute,

but the fact of past discrimination.

Moreover, even in places where there has been discrimination in the past ten years, the bill does not outlaw literacy as a qualification for voting. It outlaws existing tests administered by state registrars, on the theory that they are presumably instruments of discrimination, and it empowers the Attorney General to have the Civil Service Commission (the federal government's general employment agency) appoint examiners (not necessarily residents of the county in question!) who, in turn, are authorized to register voters. It is made fairly clear in the bill that an examiner may register as voters only those persons who "have the qualifications prescribed by state law. . . ." The Attorney General and the Civil Service Commission will tell the examiner what those qualifications are. There is no reason to suppose that they will instruct the examiner otherwise than that literacy is a qualification where in fact it has been, since it would quite likely be unconstitutional to instruct him otherwise. But there is every reason to expect that they will also instruct him that: (1) he need not apply some complex state literacy test, which has in the past been used to discriminate, but may consider anyone with a sixth-grade education literate, or administer a simple signature or reading test; and (2) he need not impose a literacy requirement at all where in fact the state registrar has in the past not applied one to whites who are still on the voter rolls. Properly administered, therefore, the statute will not abolish the literacy qualification for voting where it has existed – but existed not just on paper, rather, in the actual implementation of the state voting law. The statute will abolish only devices, including particular kinds of literacy tests (not qualifications, as such), which have been used to discriminate.

No Constitutional Power

The President said at his press conference on March 20 that he would have liked to abolish the literacy qualifications altogether and allow voting upon proof merely of age (18 years, at that) and citizenship, but that he was advised the federal government had no constitutional power to impose such a rule. He was correctly advised. Besides, while it is true that in Mississippi, for example, any literacy requirement will disqualify very large numbers of Negroes, and will do so, with painful injustice, because of the state's past neglect of its duty to educate Negroes as well as whites – nevertheless, and apart from the constitutional inhibition on the authority of the federal government, one may doubt the wisdom, in Mississippi or anywhere, of enfranchising illiterates.

Qualifications other than literacy imposed by such states as Alabama, Louisiana, Mississippi – interpreta-

tion and understanding tests, good moral character, vouchers – are no more outlawed by the bill as *qualifications* than is literacy. But there can be no doubt that federal examiners will be instructed to ignore them entirely. And that is because, unlike literacy, these additional qualifications and tests can be proved, in the process by which they were enacted – many of them quite recently – and in their consistent administration, to have had absolutely no purpose other than to discriminate against Negroes. They are simply not a bona fide exercise of the power of the states to set voter qualifications. Thus only the other day the Supreme Court declared unconstitutional a Louisiana "interpretation" test (an applicant must "be able to understand" and "give a reasonable interpretation" of sections of the state or federal constitution as read to him by the registrar), and indicated its readiness to strike down a similar Mississippi test, as well as a "good moral character" requirement. Moreover, in the Louisiana case, the Court forbade application of a new "citizenship" test, unless all whites now registered should be purged from the rolls and required to reregister under it. And in December, in a case from Walthall County, Miss., the Court of Appeals for the Fifth Circuit found that whites were regularly "permitted to register without complying with the current and increasingly difficult provisions of the voters' registration statutes enacted by the state of Mississippi on a time schedule that coincided with the indications that more Negroes would make the effort to register." The Court therefore ordered that Negroes also be registered without regard to these "increasingly difficult provisions," subject only to a simple demonstration of literacy. There was no constitutional difficulty in issuing this decree, and there will be none when federal examiners are instructed under this statute to do what the Court of Appeals and the Supreme Court have done. If a state wishes to challenge the registration of one or more applicants (presumably on the ground that state qualifications have not been observed), it may do so before an examiner, and then in federal court. The facts of discrimination will then be placed on the record, as in the Walthall County case and in the Louisiana case decided by the Supreme Court, and that will conclude the matter. In the meantime, the challenged Negro voter may vote.

With a single exception, which could have been taken care of by a simple amendment, all that this bill will achieve could have been accomplished under the Civil Rights Act of 1960. That Act provided for the appointment of referees, as it called them, where a pattern of discrimination had been proved, and empowered them to register Negroes under qualifications no more stringent than had been applied to whites in the past. A significant difference between the function

of these referees and that of the examiners now provided for is that the examiners can register all qualified comers, if the Attorney General so desires, whereas each applicant to a referee had first to prove that he had tried and failed to obtain registration from the appropriate state official. Given the forbidding atmosphere of the typical Black Belt county registrar's office and the many inconclusive delaying tactics available, this presented a serious obstacle to the federal registration of large numbers of Negroes. It was an obstacle, however, that could have been removed by amendment, and in fact things never got far enough for this obstacle to operate. The reasons why the 1960 Act did not work are that a few segregationist judges actively obstructed it; that other federal judges were too busy, or lacked the necessary single-minded zeal, to administer it effectively; and that even under the best of conditions the judicial process on which this act relied exclusively for the appointment of referees, and for control and supervision over them, is sluggish and prone to delay and complications.

Makes an End Run

The essence of the new statute, and the source of its great promise, is that it makes an end run around the judicial process. It takes the federal district courts in the South entirely out of the voter registration business. Not even the initial test of the constitutionality of the statute as a whole can come up in a federal district court in the South. That test will have to be made in the federal courts of the District of Columbia. It is in the District of Columbia courts also that a state or county will have to try to take itself out of the provisions of the statute by proving that it has been guilty of no discrimination against Negro voters. Challenges to the action of an examiner in registering a Negro will go to federal courts in the South – not to district courts however but to Courts of Appeal, where the incidence and influence of segregationist judges is much lower. And – what is of the greatest importance – the burden of coming forward to litigate will rest on the state or county, not on a Negro applicant or on the Attorney General, and registration and voting will not have to await the outcome of the litigation but will proceed, following the examiner's initial action, while the judicial process winds its way to a conclusion. Moreover, the facts on which the judicial judgment will ultimately rest will be those found by an examiner – expeditiously, fairly, even sympathetically to the Negro applicant – not by such easily self-blinded federal judges as, say, Cox and Mize of Mississippi. The findings and decision of the examiner – called a hearing officer for purposes of passing on a challenge to a registration – will be conclusive on the court, as in the case of decisions of

other administrative agencies, “unless clearly erroneous.” These provisions spell action. There are stringent provisions also, including criminal ones, to ensure that Negroes who have been registered are actually allowed to vote, and that their votes are counted.

One or two possible objections can be taken to the bill, but they do not go to its heart, which is sound. The statistical standard it employs – 50 percent of all persons of voting age – will foreclose application in counties where Negroes are in a minority, and a very high percentage of whites vote, but few if any Negroes are allowed to register. Nor will the bill apply in places where discrimination takes other forms than the use of literacy and like tests. Both these points were made in the House Judiciary Subcommittee hearing by Representatives William C. Cramer (R, Fla.) and John V. Lindsay (R, N.Y.). Attorney General Katzenbach replied reasonably enough that, freed of the enormous burden of trying to achieve a judicial breakthrough in the most difficult areas, he will be able to use the Civil Rights Act of 1960 to good purpose in these atypical cases.

The prohibition against the continued use by state registrars in the region covered of existing tests and devices, including existing literacy tests, is enforced by criminal sanctions. These are not likely to do much good, given the inclinations of Southern juries, and they tend to give the bill the appearance of outlawing literacy as a qualification. They constitute, therefore, the most serious threat to the constitutionality of the bill, and for very small gains. Hence it would be just as well to omit criminal sanctions as a means of preventing the continued use of discriminatory devices. The federal-examiner procedure is the most effective means anyway.

A more serious objection is the choice of the Civil Service Commission as the agency to share with the Attorney General administration of the statute. This is an old-line agency, accustomed to other concerns. It may lack the necessary drive. It might have been better to create a new agency and make it dependent on the White House, or place it under the Attorney General. This would have lent more prestige and perhaps more authority to the examiners who are to be appointed – it makes a difference to have a commission hanging in your office which recites that the President has placed special trust and confidence in you – and might have provided greater assurance of zeal. But there were, no doubt, adequate political reasons for making the choice that was made. The present head of the Civil Service Commission has the President's confidence and serves also as a special assistant to him, and as long as the President's interest in the problem remains as evident as it now is, adequate zeal may be expected all around.

BOOKS AND THE ARTS

Pushkin and the Lepidopterist

by Guy Daniels

Inspector Nabokov has visited the scene of the crime in *l'Affaire Onéguine*. His visit was uncommonly prolonged—a matter of some 15 years—but then the crime was devilishly complex, being a species of literary overkill practiced on Pushkin's poem by an allied task force of Russian critics and Anglo-American translators. At last, however, and at length (four

Eugene Onegin
by Aleksandr Pushkin
Translated with a Commentary
by Vladimir Nabokov
(Bollingen-Pantheon; \$18.50)

volumes, 1,858 pages) we have the official report. It gives us a glut of gory details on the mutilations of Pushkin's meanings; it names the Ten Most Wanted Criminals (Miss Deutsch, Professor Elton, *et al.*); and it gives us the real statistical lowdown on Pushkin and The Age ("In 1818 . . . 158,805 bottles of champagne were imported from France"). Indeed, in the course of his tremendous labors, Mr. Nabokov has done everything short of bringing the corpse back to life. Which is to say he has accomplished everything but his main task.

Nor, for all the incalculable effort expended on this formidable engine, can it be said that he even worked very much at that task. In a few passages of the translation, to be sure, Pushkin is brought back alive into English. But only a few, because Nabokov the Poet had only a small role in the whole affair. It is largely the handiwork of a separate Nabokov *persona*—the one I have called the Inspector—who most of the time tyrannizes the Poet into silence.

This dominant persona is of course responsible for the brilliant biographical sleuthing, handwriting analysis, and fingerprinting of literary influences that make of the Commentary a tri-

umph of scholarship *qua* detection. Hence this title of "Inspector." (He also doubles as professor, by the way.) But it was not merely because of these skills that I gave him that title. I intended, also, to designate a certain mentality demonstrably very different from that of Nabokov the Poet (or "maker of fictions"). So very different, in fact, is this other persona, that he is responsible for monstrosities of "non-English" verging on gibberish, outright mistranslations, and total lapses of sensitivity which could not conceivably be attributed to the Poet. The first is perhaps the most easily explainable of these three seemingly incredible phenomena, so let us begin with it:

1. "while in his corner went into a huff,
therein perceiving dreadful harm,
his thrifty neighbor."
2. "since plainly not always could he
beefsteaks and Strasbourg pie
sluice with a champagne
bottle. . ."
3. "But portends bereavements
the pitiful tune of this dit:
to maidens' hearts sweeter is
'Kit'."
4. "In Russian, all these words are not."

(No, and in *Eugene Onegin* all these lines are not!)

This particular class of monster (the largest among several classes) might perhaps be typed as the Man-Dog-Bite Word Order. The first specimen of near-gibberish is a plain, ordinary one; the others have special added features. Thus Number 2 reproduces a grammatical slip made by Pushkin ("champagne bottle" instead of "bottle of champagne"). Number 3 is a rare specimen, since the Inspector seldom has recourse to rhyme. (He regards it

as "trivial and treacherous," as well he might!) Number 4 has a pidginesque "dying fall," and so on. All of them are explainable, however, if we assume that what we have here is not a poem but a "crib" or "pony." (And I must insist that the two things are different. A poem is a poem. But a gloze is a gloze is a gloze.)

Is that assumption justified? Well, on the one hand Mr. Nabokov himself tells us his "EO" is in fact a crib. But on the other hand he says it's the only "true translation" of a poem which is ". . . above all a phenomenon of style." And besides, isn't \$18.50 a bit steep for a pony? Even for a pony before which has been put a cart—nay, an entire wagon train of carts seven times the poor beast's length!—called a Commentary?

All in all, one gathers that both author and publisher expect this to be received as a work of literature. And this is just what has happened: it has been reviewed as such by numerous critics. But it won't be by this one. I balk. Out of respect for the author, I refuse to apply literary standards to

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—Walter Laqueur,
New York Review of Books



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lines like "Him pets the sly spouse. . . ." No, this "EO" must be reviewed as a pony—howbeit a very expensive one with a curiously un-English gait.

The aim of his deliberately crude, literal version, Professor Nabokov explains, is "absolute accuracy." Quickly, before that compelling phrase ceases to ring in our ears, let us consider the following boobos—which, I repeat, could not possibly have been made by Nabokov, the Poet, the master of Russian style:

1. In Chapter Three: Stanza XXV, line 11, the old nurse says to Tatiana: "I am, you know, not comprehensible." Wrong. What she called herself was "slow-witted," making a colloquial substitution of *neponyatna* ("incomprehensible") for *neponyatliva* ("slow-witted").

2. In Chapter Seven: Stanza XI, line 3, Lenski is characterized as "the despondent bard." Wrong. *Pevets unyloy* was a stock phrase of the Russian romantics meaning "singer of sad songs." The phrase had nothing to do with the offstage temperament of Lenski, whom both Pushkin and Nabokov

(in his role as commentator) several times describe as "enthusiastic." (He was also an Enthusiast, of course.)

3. In the "Walpurgisnacht" dream sequence, when Onegin is carousing with his hideous cronies as Tatiana watches through a chink in the door, Onegin "stealthily gazes" through the door. Wrong—unless he had x-ray eyes. Later, in the Translator's own words, Tatiana "opens the door a little . . ." and the ruckus starts.

So much for Absolute Accuracy. But we are given, in the Foreword, still another definition of Literalism: "Rendering, as closely as the associative and syntactical capacities of another language allow, the exact contextual meaning of the original." Well, we've seen what the Man-Dog-Bite Word Order does to the syntactical capacities of English. Now suppose we take a look at what happens to its associative capacities in rendering "exact contextual meaning."

1. "swimming in a mysterious gondola . . ."
2. "I marveled at their modish morgue . . ."
3. "I shall not renovate my soul."

1, in Pushkin, does *not* conjure up a fantastic Rube Goldberg gondola with a swimming pool on the main deck. It is in fact an idyllic line of marked simplicity.

2, in the original, has nothing in it to suggest Evelyn Waugh and Forest Lawn. It is hardly a comic line.

3, again, is a perfectly serious bit of dialogue (Lenski saying he can't be again what he once was) and bears no relationship whatsoever to real estate or Captain William Ernest Henley.

I have heard these lines called "hilarious" by readers who don't know Russian. And I have heard the same thing from readers who *do* know Russian, but whose "associative capacities" owe first allegiance to Rube Goldberg, Waugh, and Henley. Such readers, though, when they recalled the actual lines in Pushkin, found this hilarity a sad thing indeed.

Did Mr. Nabokov *knowingly* convert Pushkin's serious lines into comic ones? Of course not. Reverence for the integrity of the text is evident in his every pronouncement on translation—as in this one (so ironically apropos!)

from the Foreword: ". . . it is when the translator sets out to render the 'spirit,' and not the mere sense of the text, that he begins to traduce his author." (*Really?*) No, incredible as it may seem, we are supposed to *refrain from laughing* at these bits of comedy. (See Index under "Risibility, Willing Suspension of.") Then, when we get to the Note in the Commentary, the whole business is "explained." Thus "swimming in a mysterious gondola" is justified by a quotation from Shakespeare wherein a ship is said to "swim." (But—quite apart from the form of the verb, which makes a big difference—neither ships nor small craft have "swum" in English for centuries; whereas in Russian they still "swim" today. (This line belongs, obviously, to a special department: Anachronisms Amok.)

Come the Commentary, all wrongs will be righted, all textual injustices redressed. Such is the utopian theory of Professor Nabokov. But even when this does happen (*i.e.*, when the travesty of Pushkin is "explained") it happens too late. Because *no reader's mind works that way*. Now Nabokov the novelist knows very well how readers' minds work—so well that I sometimes suspect he is uppermost in The Other Nabokov's mind when the latter inveighs against "commercialism." But the Inspector/Professor has very little understanding of readers and their minds. He is, as I have said, a completely different persona.

Of course, being kin, the two Nabokovs have certain traits in common. Both, for instance, harbor plenty of malice toward all. In the novels, though, while this malice is often offensive, it is just as often turned to good comic account. Not so in the Professor's Commentary, where it merely sours into vindictiveness against all preceding translators of, and commentators on, *Onegin*.

Why all these attacks—unrelenting, unfunny, and often unfair? Wherefore did he carefully snip off each of the many errors that bristle from earlier versions of *Onegin*, and then wear them against his own flesh for years on end?

Because, like most master sleuths, he is of a profoundly puritan cast of mind: his hatred of factual error a-

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mounts to a kind of theological hatred.

Literalism, said Dryden, is "... a faith like that which proceeds from superstition, blind and zealous." Mr. Nabokov's Literalism is certainly zealous, both in rooting out "factual error" and in its pedagogical aspirations. And it is blind beyond belief.

It is, for example, both blind and zealous to the extreme in postulating a Never-Never Land of language where "absolute accuracy" can be achieved only by matching up Russian words and English words. Does the word-order of English stand in the way? Then down with it! And whoever objects that, in English, word-order governs meaning, is dismissed with contempt as a fool who prefers "the spirit" to "mere sense." Alas! So blind is our zealot that he fails to see the two are the same – that "spirit" is simply "meaning" beyond the word-to-word level. Meantime, his own "mere sense" turns out, more often than not, to be nonsense.

It is blind, again, in its complete disregard of associations – those "associative capacities" that, in theory, it respects. Does "marveling" at a "modish morgue" irresistibly remind you of *The Loved One*? Then block out Evelyn Waugh: he never existed. (And if you don't happen to know the primary French acceptance of *morgue* – unitalicized in the text – then *tant pis pour vous*!) Also, while you're at it, block out your childhood memories of "Invictus" and the Ole Swimmin' Hole. Shove 'em down that Ole Memory Hole, hear?

But above all it is blind to context. For that "exact contextual meaning" proclaimed as a pillar of Literalism, *cf.* (italics mine):

1. "The ache of love *chases* Tatiana"
2. "at her *steppe* charms . . ."
3. "The poet's memory has *sped* by . . ."
4. "I roam *above* the sea . . ."

Ever been chased by an ache? I haven't. And did Pushkin really "roam above the sea"? (N.B. This Icarian line is "explained" by Mr. Nabokov in his Commentary. He describes the seacoast at Odessa, and stoutly maintains that if Pushkin had wanted to say "by the sea" he would have said "*u morya*" instead of "*nad morem*." Later on,

though, I notice that when Pushkin uses the same expression for a lake, his Translator is content to let him roam *beside* that more modest body of water.) No, I strongly suspect that these marvels occur only in the world of the Literalist, where aches can chase you, and gondolas can swim, and poets' memories can speed by – where everything is (literally) upside down.

Not being a "scientist" like Professor Nabokov I am a bit reluctant to dispel all this mystery; but my conscience tells me I must. What has happened here is that the Professor, in a burst of misguided pedagogical zeal, has simply taken the *Most Common Equivalent* and dogmatically forced it in, regardless of context. This, by and large, is what his Literalism boils down to; and it explains several other mysteries in this "EO": the apparent misreadings ("not comprehensible" instead of "slow-witted"), some of the unconscious comedy, etc. In fact it explains almost everything but the Anachronisms Amok: "Dame" Larin, Onegin, and even Pushkin himself saying, in

one breath, "mollitude," "divinistre," or "forsooth," and in the next, "pal," "I used to be sharp," and "the deal is off." These things, I am very much afraid, must be chalked up to sheer sloppiness.

So Mr. Nabokov's pony turns out to have more than its share of spavins. Still and all, it's a pretty good Teaching Aid, and for one reason only. When the Inspector dozes off, or when the Professor lets the Poet out for recess, the last-named wields his butterfly net with astonishing skill, capturing many a fleeting nuance that had hitherto escaped everybody else. And one suspects that he'd very much like to keep his catches alive. But no. When (obediently) he comes back to the classroom, the Professor is there waiting with his apparatus – eager to kill the pretty things and mount them among his stuffed monsters.

Has anyone mentioned (I don't recall Mr. Nabokov's having done so) that the cover of *Eugene Onegin: Chapter One*, published by itself in 1825, was adorned with a butterfly?

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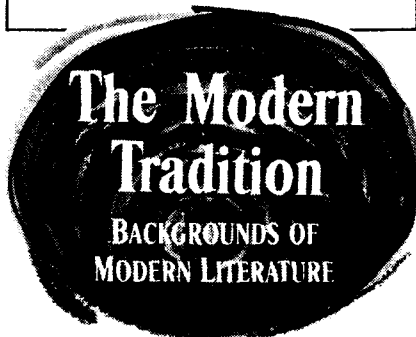
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That Close to the Presidency

by Gerald W. Johnson

The first 75 pages of this book are important and might, God forbid, become extremely important at any time. The remaining 250-odd are merely an excellent biographical sketch of an able and interesting politician who has come close to, perhaps has definitely attained, the rank of statesman.

For Hubert Humphrey is Vice President of the United States and at any

Humphrey: A Candid Biography
by Winthrop Griffith
(Morrow; \$5.95)

moment, considering the uncertainty of human life, might become President. In the ordinary course of events he may be expected to serve for three, possibly seven more years in his present office and then withdraw into the company of the Elder Statesmen. But he might not. On form, there is a one-to-five chance that he may become President very suddenly. It has happened seven times out of thirty-five possibilities. Hence any information that suggests how the man may be expected to behave in such a crisis is important; and should the crisis develop it would be extremely important.

Mr. Griffith devotes the bulk of his work to an exposition of Humphrey's political philosophy. It is well done—lucid, sometimes shrewd, friendly without being greasy, a little verbose, perhaps, but never stuffy, and presenting a picture of a living man, not of a cast-iron statue. In sum, these 250 pages are an exceptionally well-written study of an interesting career in politics—and not worth a whoop in Tophet for our present need.

For in the emergency created by a sudden transfer of power it is not the political philosophy, it is the essential character of the man concerned that is decisive. If Humphrey came suddenly into the Presidency would the circumstances break him, as they broke John Tyler and Andrew Johnson, or would he measure up as astonishingly as Theodore Roosevelt and Harry Truman did? Naturally, no one can be certain of what any human being is going to do in a specific emergency,

but an informed guess is possible and desirable in the existing situation.

This Mr. Griffith offers in his first 75 pages describing Humphrey's life between the ages of 15 and 30. This period includes the Iron Decade of the great depression. It was a traumatic experience for all who lived through it, but especially for those who were emerging from adolescence into early manhood at the time, and who are now at what should be the height of their mature powers. Observation shows that while the experience left its mark on all it has produced two easily distinguishable types, depending upon whether the iron entered into a man's soul or into his spine. The Iron Decade presented us with all too many of the permanently defeated; but it has also given us a certain number of men whose backbones are ramrods.

Humphrey survived, and what he survived is vividly portrayed in Griffith's first section. Coming of age in South Dakota when the dust storms preluded the depression was an infallible test of a man's ability to take it. Humphrey could and did, which gives ground for hope that he is the kind of man that no emergency can break; which is what we need in a Vice President.

Yet Griffith sustains his claim to candor by noting another effect that he traces to the ordeal of the thirties. He suspects that it permanently shattered Humphrey's sense of security. This handicaps him as a politician or, specifically, as a political campaigner. The ideal campaigner radiates confidence, and a man who has felt not only the economy but a large part of the social system collapsing under his feet is not likely ever again to radiate confidence.

However, if Humphrey ever becomes President it will not be by campaigning—oh, well, it is remotely possible that he might be the 20th Century Van Buren, who went from Vice President to President by the processes of politics, not of mortality; but that chance is negligible. The importance of this book is its assertion that the Vice President now in office is tough and resilient; which is, in our present situation, a message of reassurance.

FILMS

Samurai and Chambermaid

Japanese films still seem to arrive from another planet and—even with some facts available—it is difficult to form opinions about a Japanese film in relation to that country's output. But it appears that Kihachi Okamoto, a name new to me, is a director much under the generally benevolent influence of Akira Kurosawa. Okamoto's film *Samurai Assassin*, like some of Kuro-

Samurai Assassin (Toho)

Eva (Times)

Diary of a Chambermaid
(International Classics)

sawa's, is a bloody melodrama phrased in pictorial compositions so exquisite that they make it a kind of visualized ballad; is edited, for the most part as if electric sparks connect sequences, yet with an almost reflective languor in the middle of some scenes; employs the pan shot frequently to keep a scene flowing from one actor to another to another. (We are told by some film estheticians that the pan shot is a mistaken concept because it controverts the natural use of the eye: we don't "pan" in life, we blink and shift our gaze. But strict correspondence to life seems a limiting esthetic canon. One reason that the pan or traveling or trucking shot, discreetly used, seems valuable to me is precisely that it provides a kind of vision—a continuum of excitement and growth—not possible in life: experience converted into a smoothly unrolling ribbon.)

Okamoto's picture is not as good as Kurosawa's similar films because the beginning is too slow and complicated; the characters are less sharply individualized; there is too much serious reliance on the lurid story, not enough directorial comment and viewpoint. The film builds to one long fight: an attack on a lord by a group of rebels who have to battle his bodyguards; and Okamoto is determined that we shall have plenty of what we have waited for. There is much hacking and piercing and gouging, all in a series of

brief shocks that are well choreographed and assembled. But so much gore tempts us to giggle.

Like many Samurai films, this one deals with the period in the mid-19th Century when the feudal system was dissolving. The hero, a Samurai without a lord, cannot get a post because his father is unknown to him. He becomes a hired bravo for a political band who are out to murder a despot, and, after the long battle described above, he decapitates the despot and bears the head off on a pike. He does not know, as any familiar of *Il Trovatore* could have told him, that the man he killed was his close kin.

Toshiro Mifune plays the Samurai as excellently (and this is the trouble) as he has played him several times before: a roistering, brave, rude, excellent swordsman. The actor of such

varied roles as the thief in *The Lower Depths*, the proud general in *The Hidden Fortress*, the old businessman in *I Live in Fear*, the younger businessman in *High and Low*, is harping too much on one string, even if it is a good and profitable one. But the picture is worth seeing. For one thing, no one seems able to handle snow in films as well as the Japanese. The last fight is a frantic white ballet.

Two new pictures with Jeanne Moreau have come along. The first, *Eva*, is a misery to us and has been a misery to its director, Joseph Losey, who is said to disown it because of the producers' excisions. Equally, he might disown it for what of his work is left. Set in Venice, it is the story of an English writer devoured by a *femme fatale*, and it is not only spastic in structure but in its intact sequences. Miss Moreau, it can be affirmed, is present. Stanley Baker, who plays the writer, is acceptable in saturnine, truculent, lower-class roles but is quite incredible when he aspires in sympathy or station.

Diary of a Chambermaid, Octave

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Mirbeau's novel, has been filmed yet again, this time by Luis Bunuel, with Miss Moreau as Celestine. It has been updated to the 1930's and put in a context of the French fascist movement, in an attempt to give social reverberations to the hot goings-on in the country house. Miss Moreau, extraordinary though she is, has now been called on too often to supply characterization omitted by the writer, to provide a worldly aura for a picture by her bland acceptance of the *outré*. Not every film can be given profundity simply by Miss Moreau's taking off her clothes.

Bunuel, the solon of sadism, has now reached the point of self-parody. Here he has an old man who is a shoe fetishist (compare the wedding-dress man in *Viridiana*); here a wild pig chases a rabbit through the woods just as a brute is about to rape and murder a child. Of course there is a knife; I can't remember a Bunuel film without one, from *Un Chien Andalou* to the present. Here the knife is used lingeringly on a goose's neck. Bunuel remains, for me, a resourceful technician and a highly neurotic adolescent.

Note: Josef von Sternberg, the director for whom the flack terms "colorful" and "controversial" might have been coined in the early thirties, has published a book of memoirs-reflections, and, beginning with its title, it is a pleasant surprise. *Fun in A Chinese Laundry* was the name of an early Edison comedy. Von Sternberg has said that he appropriated it for his book because the picture was made in the year he was born (1894), but it is also a nicely wry comment on his life as dictated both by his character and that of the medium in which he has worked. (The book is published by Macmillan; \$6.95.)

Von Sternberg, who now teaches directing at UCLA, has had a career which, for all that is questionable in it, contains two works that are landmarks. *Underworld* (1927), the first gangster film, is a handsome view of a very American phenomenon through the eyes of middle-European impressionism. *The Blue Angel* (1930), Emil Jannings' first sound film and Marlene Dietrich's first success, is a small gem of ironic-sexual sentiment, executed against a frieze of George Grosz char-

acters. (Whenever I see it, I "remember" the minor characters in the café as if they have had continuing lives and I have been out of touch with them. I almost feel remorse, as if I owed them a letter.) Scattered through the book are comments about the making of these pictures, as well as the hilarious

account of an aborted film of *I, Claudius* with Charles Laughton. There are also a number of tedious belated small revenges. But there are many observations about film, its condition, its fate, that make the book much more interesting than most similar biographies.

STANLEY KAUFFMANN

ART

Roger and the Rabbits

There used to be a migratory farm worker named Lenny who, in moments of stress, would ask his buddy, "Tell me about the rabbits, George." And George would spin an implausible yarn about the good times to come when the pair would own their own little piece of ground and Lenny would get to take care of the rabbits. And while the story lasted Lenny never noticed that they were out of work and starving, that the rain was coming down or that the angry mob was getting closer.

It is just possible that Roger Stevens, who is shaping up as this country's answer to André Malraux, is really charged with telling us about the rabbits. Stevens, who is chairman of everything in government having to do with the arts, from the John F. Kennedy Center to the new advisory council, is the man LBJ instinctively thinks of when he thinks of art and the reason is plain enough. Stevens is second only to the master himself in conjuring up visions of America as the Athens on the Pedernales in the golden time to come even as the men arrive from the finance company to carry off the ice-box.

The other day, for example, Stevens enthralled the nation with a word picture of live theater in every shopping center, or at least in the larger ones. Why should people in Oshkosh have to journey to New York and pay exorbitant prices to see "Mary, Mary" and other works of theater art? Why indeed? Under the Stevens plan they can stay at home, drop in at their neighborhood shopping center and catch *Barefoot in the Park* between the dry cleaners and the supermarket.

What's more, it can be done with a three-dollar top. The sets can be standard and built by local carpenters, thus spreading around a little prosperity and cutting down rehearsal time and shipping costs. There'll be plenty of free parking—eventually, no doubt, it'll be drive-in live theater. And best of all, it won't really cost any money. It can all come out of FHA insured mortgages. The government provides only the financial confidence needed, not the actual cash.

This general approach has been criticized by some as an over-concern with buildings and a simple unawareness of what goes on or could go on or ought to go on inside the buildings. Fair comment. It is also fair comment to note the characteristic belief that in the arts you really can get something for nothing, that you can carry on like Pope Julius without ever laying out any money at all. But it is preeminently futurism, the story of the rabbits.

For while Stevens was staging his chain-store theater scheme, the men from the finance company were closing out one brief and staggeringly successful fling of the American government in American art. Early in the New Frontier, Stevens's predecessor of fewer titles, August Heckscher, persuaded the United States Information Agency to take up the job of American representation at the two most important international art exhibitions, the biennials at Venice and at Sao Paulo. Before that, for decades, the United States had been represented by various methods. The pavilion at Venice, for example, had been built and run by a New York art dealer, Grand Central

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POOR.



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TOLD ME
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POOR, I
WAS
NEEDY.

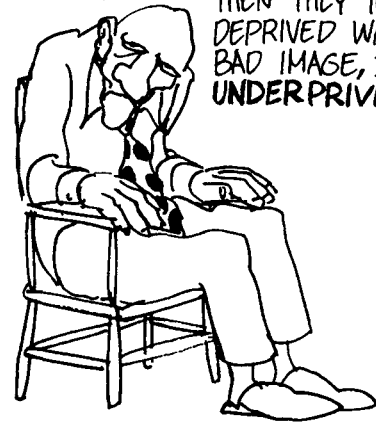


THEN THEY TOLD
ME IT WAS SELF-
DEFEATING TO
THINK OF MYSELF
AS NEEDY, I
WAS DEPRIVED.



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THEN THEY TOLD ME
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BAD IMAGE, I WAS
UNDERPRIVILEGED.



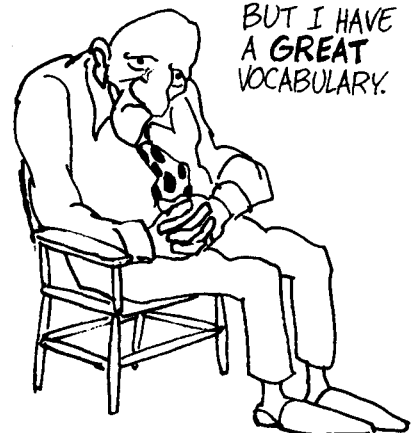
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WAS DISADVANTAGED.



I STILL
DON'T
HAVE A
DIME.



BUT I HAVE
A **GREAT**
VOCABULARY.



Galleries, which eventually turned the building and the job over to the Museum of Modern Art, which more often than not farmed out the exhibition to some other institution. This practice contrasted with that of all other nations represented in both shows, for in all cases the capital investment and the expenses were laid out by the several governments. The feeling of foreigners seemed to be that nations as such had a direct interest in their own art both at home and abroad. Until Heckscher, this was beyond the grasp of American government officials. Now it has eluded them again.

The record of USIA participation has been spectacular. In 1963 they went to Sao Paulo and came out with the first prize, awarded to Adolph Gottlieb. In 1964 they went to Venice and came out with the first prize, given to Robert Rauschenberg.

In recognition of this remarkable record, top USIA officials, presumably working in close collaboration with the Bureau of the Budget under the Johnsonian anti-frill principle and in permanent holy terror of Congress, dropped the program completely. The 1965 participation of Sao Paulo, since work has already begun on it, will be allowed to take place. But after that, nothing, in either show. It is the opinion of the budget-composer that the responsibility should be given to the American "art community."

Well, of course, there isn't any American art community in that sense. The lobby doesn't exist. If a government agency or a secretary to the Senate majority wants to do business with the aero-space or vending machine industry, there is a "community" organized and ready for bids. Not so in art. What the budget really means is that the Great Society, in its actual working, doesn't give a damn about American art and is not about to. The Great Socialites will be glad to hit up Mary Lasker for a few free tulip bulbs to plant along the Mall. They will also accept as gifts or long-term loans any approved contemporary art that an artist or dealer wants to present free for hanging in our embassies around the world. A recent breakthrough will apparently allow the Executive Offices to participate in the same free load, even if the artists haven't been dead 20

years. And in the manner devised by Napoleon, we may expect more medals all around as other artists are tapped to join Willem de Kooning as Great Society Painter. But money? No.

The money required is about \$80,000 a year to finance American participation in both shows. This would come out of a USIA budget of over \$170,000,000 and is thus pretty tiny as these things go. Since the budget was drawn up and submitted before the agency decided to close out various of its sacked libraries, it may be presumed that money could be found even without specific budgetary listing in the event that Congress or the Presidency suddenly decided to back up the golden words with one golden deed.

It used to be standard practice to blame government indifference or hostility to art on Congress and there was a presumption that Congress was, in however crude a manner, fairly repre-

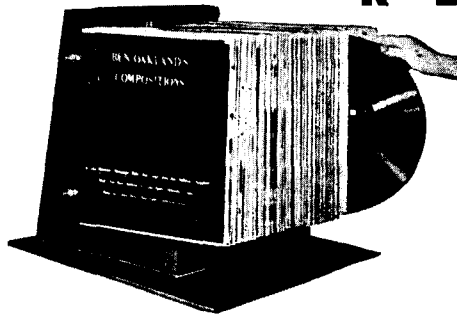
sentative of the country's feelings on the subject. Those feelings, if we can believe anything we read, are in the process of change and it is probably true that Congress is less hostile to art than ever. Unfortunately, as far as the USIA programs are concerned, we shall never know. All we know is that whatever the feelings of Congress, the feelings of this agency are negative.

The Museum of Modern Art unloaded the program in the first place because its board felt representation was properly a function of the government - as it is in all other countries showing art in Venice or Sao Paulo - and because the expenses, tiny for the USIA, were becoming overwhelming for a single museum. The Modern, therefore, is not going to constitute itself the "art community" and pick up the ball from where USIA's economy fiends have dropped it. The American Federation of Arts in theory could represent the "art

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community,” but in this case almost certainly won’t. There is some interest within the Smithsonian Institution, the art apparatus of which—under the title of the National Collection of Fine Arts—is showing a vitality unimaginable a couple of years ago, but the obstacles are formidable since representation of art abroad can hardly be called either research or the instruction of American citizens.

There is an excellent chance that the America of the Great Society will be simply unrepresented at the major international exhibitions after 1965, unless, perhaps, Roger Stevens can work out a no-cost method of getting art shows into shopping centers and shipping a shopping center over as a sample of our culture.

FRANK GETLEIN

Correspondence

Art and the Public

Sirs:

Dwight Macdonald has surely got in several fatal thrusts through the chinks in Michael Straight’s argument (March 13) against Macdonald’s gloomy thesis about masscult in the arts today; but I’m willing to be redundant and press my attack, anyway.

Straight was rather gloomy, himself. He obviously feels federal aid is the only answer (so do I), yet he confuses himself by insisting on a simple democratic faith in the equally created sensibilities of his fellow Americans—then urging more education to create a more elite mass. Besides, he says, we don’t have a mass culture (he ignores TV), but if we did, it wouldn’t necessarily be a bad thing, for Shakespeare, Aeschylus, Sophocles, Bach, and Duccio had absolutely ravenous fans among the masses of their day.

Now really, gentlemen. Even more egregious than a failure to cite a contemporary (he admitted earlier that Martha Graham was strapped) is the historical innocence of this, his only case for the masses. I grant Shakespeare made a killing, but those discerning Elizabethans also fattened his puny rivals. The Greeks wrote for a religious festival, not an Athenian

equivalent of Broadway; a satyr play became a fixture at these to keep the devout in their places. Every great musician through Beethoven depended on royal patronage; lesser men than Bach also had better posts—but his employers are to be congratulated on their insight. Artists in Renaissance Italy certainly were popular heroes but only because they were hometown boys; a friend now living in Cleveland tells me everyone there is proud of their orchestra but most concerts are not sell-outs, particularly when Szell is away. Perhaps our masses are better off not existing.

I’m afraid democracy is no virtue in the arts, where conspicuous inequality is treasured. Straight is better off insisting on federal aid and not dragging in the ideas of that old aristocrat, Thomas Jefferson.

Harris Green
New York, N.Y.

Honor Bound to What?

Sirs:

This letter is written in reply to the letter by Frank C. Waldrop concerning “Honor Bound To What?” (March 13).

There are many things wrong with the service academies; non-professional educators, excessive emphasis on grades, too little academic freedom, compulsory chapel, etc., but Mr. Waldrop’s polemic is attacking the wrong bastion when it takes on the honor systems. There is nothing god-given about these systems. They are not built upon a super-religious credo of some mystical origin. These systems are comprised of a single rule—thou shalt not lie, cheat or steal—to which a vast majority of the cadets subscribe. They subscribe to this rule not out of the hypocritical sense of smugness or superiority that exudes from the Public Information Officers to which Mr. Waldrop refers, but because they feel it is a reasonable way to regulate their society. I do not feel that this is a proposition over which rational men would differ.

Cloaked in his argument that this system is a gimmick to express selfish interests are these interesting observations: he attacks a society where all are furnished with the physical necessities of life and where an attempt is made to educate everyone to the limit of his

respective abilities; he attacks a society where there are no privileged classes or exclusive fraternities; and he attacks a society where each individual rises and falls according to his own abilities.

There is more than a bit of truth in the idea that the service academies are built upon a hyper-competitive system. This competition, however, is as much a function of the cadet as it is a function of the system. This conclusion may be drawn from actual experience or from Janowitz's study, *The Professional Soldier*. The vast majority of the cadets come from middle-class backgrounds where competition is a way of life. Obtaining an appointment to a service academy is often an exercise in competition itself and it is not unreasonable to assume that the strong survive.

The crux of Mr. Waldrop's argument is that he has a gut reaction against a rule of law which a sub-culture chooses to apply to itself. To have a rule of law with which the whole society identifies and which applies equally to all the members of the society is a horrifying thought to the uninitiated. There are no special loopholes for the privileged few, and knowing the mayor doesn't reduce the penalty. It is a terrifying thing to know that if you fail you have no one to blame but yourself, and you have no way to rationalize the error. But if the sub-culture chooses to live by the rule, what justification does the non-member have in criticizing them for their choice? . . .

*A Captain (name withheld) USA
Cambridge, Mass.*

Poverty in Washington

Sirs:

James Ridgeway's article on Washington poverty (February 13), particularly in the Cardoza area, is no exaggeration! Having spent the summer at SS. Paul and Augustine Parish Center involved in a summer program for over two hundred children in that area, I was made painfully aware of the correlation between economic deprivation and the educational, cultural and, most importantly, personal deprivation of the Washington Negro. . . . I know the "one legged woman with two children" referred to in the article. She attended faithfully the community council meet-

ings dealing with rat control, discussions on community clean-up, and the children's programs that were an outgrowth of the summer project. She was not "content with things the way they are." But she, like her neighbors, is enmeshed in the cycle of growing poverty in Washington.

Unless people outside of the Washington area add their voices to the

Washington residents' plea for Home Rule, however, I wonder what change, if any can be hoped for. As long as the dignity of the Washington resident is denied by the racist House committee that controls sanitation, education, housing, what possible improvements of any durable nature will be realized?

*Marlene Hoffman
Minneapolis, Minn.*

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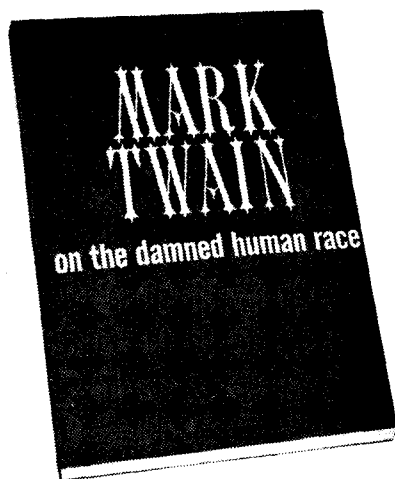
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